

July 7, 2010

TO: Teresa Parsons, SPHR  
Director's Review Program Supervisor

FROM: Kris Brophy, SPHR  
Director's Review Investigator

SUBJECT: Carl Ward v. Department of Transportation (WSDOT)  
Allocation Review Request ALLO-09-074

### **Director's Determination**

This position review was based on the work performed for the six-month period prior to September 10, 2009, the date WSDOT Olympic Region Human Resources received the request for a position review. As the Director's Review Investigator, I carefully considered all of the documentation in the file, the exhibits, and the verbal comments provided by both parties during the review conference. Based on my review and analysis of Mr. Ward's assigned duties and responsibilities, I conclude his position is properly allocated to the Transportation Planning Specialist 4 classification.

### **Background**

On September 10, 2009, WSDOT's Olympic Region Human Resources received Mr. Ward's Position Description form (PDF), signed on September 10, 2009 requesting his Transportation Planning Specialist 4 (TPS 4) position be reallocated to Transportation Planning Specialist 5 (TPS 5). On December 7, 2009, Niki Pavlicek, Manager, OHR/Classification & Compensation, notified Mr. Ward that his position was properly allocated as a TPS 4. Ms. Pavlicek concluded the majority of duties assigned to the position met the TPS 4 classification (Exhibit A-3).

On December 28, 2009, the Department of Personnel (DOP) received his request for a Director's review of WSDOT's allocation decision (Exhibit A-1).

On May 18, 2010, I conducted a Director's review conference regarding the position allocation of Carl Ward. Present during the call were Carl Ward and Niki Pavlicek.

### **Rationale for Director's Determination**

The purpose of a position review is to determine which classification best describes the overall duties and responsibilities of a position. A position review is neither a measurement of the volume of work performed, nor an evaluation of the expertise with which that work is performed. A position review is a comparison of the duties and responsibilities of a particular position to the available classification specifications. This review results in a determination of the class that best describes the overall duties and responsibilities of the position. Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

### **Duties and Responsibilities**

I reviewed the Position Description form (PDF) completed by Mr. Ward and approved by his supervisor, Mr. Jeff Sawyer, dated September 10, 2009 (Exhibit B-2).

Mr. Ward's position is located in the WSDOT Olympic Region Environmental & Hydraulic Services Office (EHS). Mr. Ward is the Biology Program Supervisor for the Olympic Region. Mr. Ward supervises professional biologists and others who perform biological studies and investigations for DOT construction projects. His unit prepares and reviews professional scientific and technical studies of all biological resources and wetland mitigation activities associated with DOT planning and project development, construction and maintenance activities in the Olympic region. Mr. Ward reports to Mr. Jeff Sawyer, Environmental & Hydraulic Services Manager.

In the position description form (PDF) submitted for reallocation, Mr. Ward states that the majority of his work involves supervising the Olympic Region Biology Program and describes his duties as follows (summarized from Exhibit B-2):

- 50% Supervises the Olympic Region Biology Program. Directs permanently assigned specialists and others with development of program plans, budgets, workload analysis, scope of studies and investigations, goals and objectives, and target dates for programs and projects. Recruits, trains and mentors program employees.
- 15% Coordinates biology program activities with other WDOT Regions. Assists the Environmental Program Manager to coordinate activities with other regional and departmental divisions. Works collaboratively with other resource agencies and others.
- 10% Negotiates with federal, state, and local agencies on assessment of project impacts, development of effective mitigation plans and resolving conflicts. Uses technical expertise to assist in responding to and resolving issues.
- 10% Represents the Region as a technical expert on biological issues. Serves as WSDOT representative on advisory and interdisciplinary teams solving complex transportation and environmental problems. Reviews and interprets program and agency policy and direction in determining day-to-day operation of the unit

and in making decisions effecting [sic] program delivery. Serves as the designated Regional review and approval authority for complying with the Endangered Species Act.

- 5% Manages consultants retained by the Region to carry out biological activities. Reviews environmental documents to ensure wetland and biological sections are accurate and mitigation measures are in compliance with regulations, policies, and procedures.
- 5% Participate in various professional environmental workshops, training sessions, seminars, and meetings sponsored by governmental agencies, universities, and professional organizations. Reviews professional literature, acquires and maintains biological resource data.
- 5% Other duties assigned.

#### Summary of WSDOT's Reasoning

WSDOT asserts Mr. Ward does not meet any of the required criteria for allocation to the TPS 5 level class. WSDOT asserts Mr. Ward's position does not report to a WMS Band 03 or equivalent manager. WSDOT asserts that while a portion of Mr. Ward's duties involve working on issues involving state-wide impact, the majority of his position duties are regionalized in scope. WSDOT asserts Mr. Ward is not a registered landscape architect.

#### Summary of Mr. Ward's Perspective

Mr. Ward acknowledges he does not report directly to a WMS 03 level position, but contends this is due to an apparent classification and/or coding error within the State Human Resource Management System (HRMS) regarding his supervisor's classification as a WMS Band 2 Region Environmental Manager (Exhibit A-2). Mr. Ward further asserts there are two other positions within WSDOT that are classified at the TPS 5 level which report to a WMS 02 level supervisor.

Mr. Ward asserts his position provides a role at WSDOT on issues with statewide application from both a policy and practical application standpoint. He asserts he has been called upon by other regions and WSDOT HQ to work issues with statewide impact including storm water, marine mammals, marbled murrelet monitoring and pile driving.

#### Comparison of Duties to Class Specifications

When comparing the assignment of work and level of responsibility to the available class specifications, the class series concept (if one exists) followed by definition and distinguishing characteristics are primary considerations. While examples of typical work identified in a class specification do not form the basis for an allocation, they lend support to the work envisioned within a classification.

In Byrnes v. Dept's of Personnel and Corrections, PRB No. R-ALLO-06-005 (2006), the Board held that "[w]hile a comparison of one position to another similar position may be useful in gaining a better understanding of the duties performed by and the level of responsibility assigned to an incumbent, allocation of a position must be based on the overall duties and responsibilities assigned to an individual position compared to the existing classifications. The allocation or misallocation of a similar position is not a determining factor in the appropriate allocation of a position." Citing to Flahaut v. Dept's of Personnel and Labor and Industries, PAB No. ALLO 96-0009 (1996).

Additionally, most positions within the civil service system occasionally perform duties that appear in more than one classification. However, when determining the appropriate classification for a specific position, the duties and responsibilities of that position must be considered in their entirety and the position must be allocated to the classification that provides the best fit overall for the majority of the position's duties and responsibilities. Dudley v. Dept. of Labor and Industries, PRB Case No. R-ALLO-07-007 (2007).

#### Comparison of Duties to Transportation Planning Specialist 5

The Definition for Transportation Planning Specialist 5 states:

Supervises a functional organization responsible for ongoing programs and reports to a WMS Band 3, Transportation Planning Supervisor 1 equivalent or higher classification; or performs as a consulting expert with assignments regarding Statewide application involving total systems or programs, applying one or more disciplines, with responsibility for several significant transportation problem areas.

As a registered landscape architect, performs senior level professional landscape architectural work that constitutes the practice of landscape architecture as defined by RCW 18.96.

The Distinguishing Characteristics for TPS 5 state in relevant part,

As a supervisor of a functional organization, directs permanently assigned planning specialists and others with responsibility for development of work programs, preparation of budget, determining scope of studies and investigations, objectives to be realized and completion target dates for programs and projects;

...

A consulting expert at this level directs project studies involving total system(s) such as rail system, highway system, public transportation, etc. and varied disciplines and regularly provides presentations and guidance to department management, local governmental units, or private operations.

Mr. Ward's position does not meet the requirements of the Definition and Distinguishing Characteristics for this class. Mr. Ward does not report to a WMS Band 03, Transportation

Planning 1 Supervisor or equivalent or higher classification. Mr. Ward's supervisor, Jeff Sawyer, is the Environmental & Hydraulic Services Manager for the Olympic Region. His position is classified at the WMS Band 02 level. During the review conference, Ms. Pavlicek stated that Mr. Sawyer's position was evaluated internally and determined to be a WMS Band 02 level position. Ms. Pavlicek also stated that during her position review she compared the WMS Band 02 range of consideration and determined it to not be equivalent to the Transportation Planning 1 Supervisor class. During the conference she stated she checked the coding in the HRMS system and determined that Mr. Sawyer's position was coded properly within HRMS. Thus, Mr. Ward's position does not meet the reporting level requirements of this class.

Mr. Ward's position does not serve as a consulting expert directing project studies at the level intended by this class. The primary thrust of Mr. Ward's position is to supervise the Biology Program for the Olympic Region. As part of that overall responsibility he spends approximately ten percent of his time representing the Olympic Region as a technical expert on biological issues which includes serving as a technical expert on agency-wide advisory and interdisciplinary teams solving complex transportation and environmental problems that impact WSDOT as a whole. For example, Mr. Ward serves on agency-wide policy teams which establish agency-level policies and procedures to address new issues such as incidental marine mammal harassment during pile driving. However, the scope of Mr. Ward's involvement is to share his technical expertise and to represent the Olympic region; he does not lead or direct these activities or serve as the consulting expert directing systems-level project studies as required.

It is undisputed that Mr. Ward is not a registered landscape architect.

Mr. Ward's position does not meet the requirements of the Definition and Distinguishing Characteristics for this class. For these reasons, his position should not be allocation to Transportation Planning Specialist 5 class.

#### Comparison of Duties to Transportation Planning Specialist 4

The Transportation Planning Specialist 4 Definition states in relevant part:

As a project leader, plans and conducts advanced transportation studies or investigations which require direction of project teams charged with analyses and recommendations for one or more problem areas, involving one or more transportation modes, and usually involving more than one discipline; or performs critical program evaluations; or supervises transportation planning data collection, analysis and summarization operations.

...

The Distinguishing Characteristics for the Transportation Planning Specialist 4 class state in relevant part:

This level develops and evaluates plans, study methodology and criteria for a variety of assigned problems and projects;

Problems, modes and disciplines are enumerated in the Transportation Planning Specialist 3 specification;

Supervises an organizational segment responsible for transportation field data collection and summarization and reduction in the office, for example, road data, traffic survey.

Critical program evaluation is defined as a highly specialized evaluation of a program – multi-modal, total system impact. The evaluation requires the use of sophisticated application techniques with system-wide analysis.

...

The overall scope and level of responsibility of Mr. Ward's position closely matches the Definition and Distinguishing Characteristics for this class. Mr. Ward supervises the Olympic Region Biology program. He is responsible for directing biology program operations which includes planning and conducting advanced studies and investigations. Mr. Ward develops and evaluates plans, study methodology and criteria for a variety of assigned problems and projects in his assigned region. He supervises field data collection and summarization.

Although the examples of work do not form the basis for an allocation, they lend support to the work envisioned within a classification. The following provides an example of the level of work assigned to the Transportation Planning Specialist 4 class, as stated on the class specification:

Serves as specialist on interdisciplinary teams formed to solve complex transportation problems;

Plans and supervises studies...;

Serves as departmental representative with other federal, state and local agencies in determining analytical models, methods or procedures to be utilized in conducting evaluative studies;

Conducts and reviews complex studies and provides recommendation for inclusion in environmental impact statements;

Supervises and develops plans and staffing for collection of field data and office summarization and reduction of such data for retention in computer systems for reference and analysis by planning specialist, engineers, etc.;

Participates as interdisciplinary team member to provide expertise in specialized field;

Supervises the development and preparation of roadside, site, and mitigation projects including studies, reports, contract plans, specifications and estimates, environmental documents, and roadside management plans;

Manages program including determining and initiating projects, determining long term staffing needs, oversee fiscal controls for projects;

Participates in selection, training, and evaluation of subordinate staff.

The examples listed above are consistent with the majority of Mr. Ward's work as stated in the PDF regarding his assigned job duties.

Mr. Ward's allocation is not a measurement of his performance. A position's allocation, however, is limited to the duties and responsibilities assigned and how the majority of those duties best fit into the available job classifications. During the period of time under this review, the majority of his work assignments are more closely aligned with the requirements of the TPS 4 class. Therefore, the Transportation Planning Specialist 4 classification best describes his position.

### **Appeal Rights**

RCW 41.06.170 governs the right to appeal. RCW 41.06.170(4) provides, in relevant part, the following:

An employee incumbent in a position at the time of its allocation or reallocation, or the agency utilizing the position, may appeal the allocation or reallocation to . . . the Washington personnel resources board . . . . Notice of such appeal must be filed in writing within thirty days of the action from which appeal is taken.

The mailing address for the Personnel Resources Board (PRB) is P.O. Box 40911, Olympia, Washington, 98504-0911. The PRB Office is located at 600 South Franklin, Olympia, Washington. The main telephone number is (360) 664-0388, and the fax number is (360) 753-0139.

If no further action is taken, the Director's determination becomes final.

c: Carl Ward, WDOT  
Niki Pavlicek, WSDOT  
Lisa Skriletz, DOP

Enclosure: List of Exhibits

**Carl Ward v. Department of Transportation (ALLO-09-074)**

List of Exhibits

**A. Carl Ward Exhibits**

1. Request for Director's Review, dated December 28, 2009.
2. Email from Jeff Sawyer to Carl Ward, dated December 24, 2009, regarding the allocation of Mr. Sawyer's position within WMS.
3. WSDOT Allocation Determination letter dated December 7, 2009.

**B. Department of Transportation Exhibits**

1. Cover letter dated September 10, 2009 from Carl Ward to Troy Cowen, enclosing an updated Position Description Form and request for reallocation.
2. Updated DOT Position Description form for Carl Ward dated September 10, 2009.
3. Organizational Chart for the Olympic Region Project Development Office - Environmental & Hydraulic Services Office.
4. Cover letter dated November 17, 2008 from Jeff Sawyer to John Wynards, requesting a position reallocation for Carl Ward.
5. Cover letter dated November 3 2008 from Carl Ward to Jeff Sawyer, enclosing an updated Position Description form and request for reallocation.
6. Position Description Form for position #30795, with an effective date of October 5, 1994.
7. Organizational Chart for Olympic Region – Project Development Office – Environmental Services Office, dated September 12, 1994.
8. DOP Class Specification: Transportation Planning Specialist 4.
9. DOP Class Specification: Transportation Planning Specialist 5.
10. Classified Position Description forms for Brian Bigler Position #11172 and for Michelle Steinmetz position #03622.